

App. Serial No. 10/511,492
Docket No.: DE020097US

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Remarks

Claims 1-6 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The instant Office Action dated March 23, 2007 indicated that the drawings are objected to because they lack textual labels and listed the following rejections: claims 1, 2 and 6 stand rejected under 35 U.S.C. § 103(a) over Lindberg *et al.* (U.S. Patent No. 5,831,409) and Tamai *et al.* (U.S. Patent No. 6,459,170); claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) over Lindberg and Tamai in view of Hinman *et al.* (U.S. Pub. No. 2002/0001213); and claim 5 stands rejected under 35 U.S.C. § 103(a) over Lindberg and Hinman.

Regarding the objection to the drawings, the block-diagram elements in Figures 1 and 2 are provided with textual labels (*i.e.*, the numbers 1, 2, 3, 4, 5, 11, 12, 13, 14 and 15). Moreover, the block-diagram elements are discussed in detail in Applicant's Specification in reference to the textual labels. Applicant submits that the block-diagram elements are clearly identified and that the drawings are in compliance with MPEP § 608.02 and CFR § 1.84(p). Thus, Applicant requests that the objection to the drawings be removed.

Applicant respectfully traverses the Section 103(a) rejections of claims 1-4 and 6 because there is no motivation to modify the Lindberg reference with the cited teachings of the Tamai reference. The Office Action proposes combining Tamai's controller 9 with the Lindberg reference in order to enable Lindberg's DC/DC converter 38 to be activated and deactivated. However, the cited portions of Tamai teach that controller 9 is responsive to the voltage of battery 6, controller 9 activates voltage converter 5 when the voltage of battery 6 is below a specified level (*i.e.*, when battery 6 needs to be charged). *See, e.g.*, Figure 3 and Col. 1:39-47. As the cited portions of the Lindberg reference do not teach any corresponding battery that is charged by DC/DC converter 38, there would be no motivation for one of skill in the art to combine Tamai's controller 9 with the Lindberg reference because DC/DC converter 38 is not used to charge a battery. Accordingly, the Section 103(a) rejections of claims 1-4 and 6 are improper and Applicant requests that they be withdrawn.

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Moreover, the addition of Tamai's controller 9 would cause the Lindberg reference to function in an unpredictable manner because there is no corresponding battery for the controller 9 to measure the voltage of and thus to determine when to activate Lindberg's DC/DC converter 38 based on the battery voltage. According to M.P.E.P. § 2143.01, if a "proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." See *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984). The addition of Tamai's controller 9 would cause the Lindberg reference to function in an unpredictable manner thus defeating its purpose. Therefore, the Section 103(a) rejections of claims 1-4 and 6 are improper and Applicant requests that they be withdrawn.

Applicant further traverses the Section 103(a) rejection of claim 6 because there is no motivation to modify the Lindberg reference to a 42 volt system. The cited portions of Lindberg teach a 320 volt system and that the system preferably "works over a wide voltage range, e.g., 120 volts to 400 volts, to accommodate changes in the output voltage of the battery 40." See, e.g., Figure 2 and Col. 4:36-42. Thus, the low end of the voltage range taught by Lindberg is approximately three times greater than a 42 volt system. The Office Action appears to be taking Official Notice that hybrid vehicles operate with a 42 volt system and that the motivation to modify Lindberg to a 42 volt system would be for use in a hybrid vehicle. See, e.g., page 4 of the instant Office Action. However, "(i)t would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." See M.P.E.P. § 2144.03. Applicant respectfully requests support for the Office Action's assertions regarding hybrid vehicles and Applicant submits that without such support the rejection of claim 6 is improper. Accordingly, Applicant requests that the Section 103(a) rejection of claim 6 be withdrawn.

Notwithstanding, in an effort to facilitate prosecution, Applicant has amended claims 1 and 5 to include limitations directed to the control means switching the DC/DC converter off in response to an idle state of the vehicle in which circuit elements are switched off, the circuit elements being supplied by the DC output voltages. The cited

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portions of the references do not teach switching the DC/DC converter off in response to an idle state of the vehicle in which circuit elements are switched off. Therefore, all of the Section 103(a) rejections cannot stand and Applicant requests that they be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

Please direct all correspondence to:

Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

CUSTOMER NO. 65913

By: 

Name: Robert J. Crawford
Reg. No.: 32,122
651-686-6633 x101
(NXPS.266PA)